

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

SHERMAN PEGROSS d/b/a
ROSENBLUM & FRANKEL
INVESTMENT COMPANY,

Plaintiff,

Case No. 12-13072

v.

Hon. John Corbett O'Meara

THE OAKLAND COUNTY
TREASURER, ANDREW MEISNER,
THE OAKLAND COUNTY TREASURER'S
OFFICE AND THE COUNTY OF OAKLAND,

Defendants.

**ORDER DENYING PLAINTIFF'S MOTION FOR
RECONSIDERATION AND MOTION FOR EMERGENCY HEARING**

Before the court is Plaintiff's motion for reconsideration of this court's order denying his motion for injunctive relief. On August 10, 2012, Plaintiff also filed a motion for an emergency or expedited hearing on the motion for reconsideration. Defendants filed a response on August 15, 2012; Plaintiff submitted a reply brief on August 16, 2012.

On August 17, 2012, the Court of Appeals for the Sixth Circuit denied Plaintiff's petition for a writ of mandamus; Plaintiff had requested that the Sixth Circuit direct this court to issue an injunction. The Sixth Circuit found, in part, that Plaintiff "has not demonstrated a strong likelihood of success on the merits of his underlying litigation or such irreparable harm that an injunction should issue."

The standard for granting a motion for reconsideration is as follows:

Generally, and without restricting the court's discretion, the court will not grant motions for rehearing or reconsideration which

merely present the same issues ruled upon by the court, either expressly or by reasonable implication. The movant shall not only demonstrate a palpable defect by which the court and the parties have been misled but also show that correcting the defect will result in a different disposition of the case.

LR 7.1(h)(3).

In light of the Sixth Circuit's order, and for the reasons set forth in this court's August 3, 2012 order, the court finds that Plaintiff has not demonstrated a "palpable defect" by which the court and the parties have been misled. Further, pursuant to L.R. 7.1(h)(2), the court finds that the record is sufficiently developed and that oral argument is not necessary.

Accordingly, IT IS HEREBY ORDERED that Plaintiff's August 9, 2012 motion for reconsideration is DENIED.

IT IS FURTHER ORDERED that Plaintiff's motion for an emergency or expedited hearing is DENIED.

s/John Corbett O'Meara
United States District Judge

Date: November 7, 2012

I hereby certify that a copy of the foregoing document was served upon the parties of record on this date, November 7, 2012, using the ECF system and/or ordinary mail.

s/William Barkholz
Case Manager